

**A SUBSTITUTE ORDINANCE**

**08-O-0873**

**BY COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES SECTION 110-3 TO ADD A SECTION (k) THAT SHALL ESTABLISH FEES FOR INDIVIDUALS OR ORGANIZATIONS UTILIZING CITY PARKS FOR PRIVATE BUSINESS PURPOSES, OTHER THAN DURING A PERMITTED OUTDOOR EVENT; TO AUTHORIZE SUCH FUNDS BEING DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND), 140201 (PRC PARKS ADMINISTRATION), 3229007 (FEES), 6210000 (PARK ADMINISTRATION), 100247 (GROUND & SITE IMPROVEMENTS CITY WIDE), 91494 (TRUST FUND 9999); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) Code of Ordinances, Section 110-3 (a) (“Fee Code”) establishes a fee structure for, among other things, individuals and entities wishing to utilize City parks; and

**WHEREAS**, certain businesses conduct or provide all or portions of the services they offer inside of a City park; and

**WHEREAS**, businesses conducting services inside City parks are utilizing the parks to generate revenue, are profiting from the City’s amenity and maintenance thereof, are causing wear and tear on the parks, and are not compensating the City for this additional financial burden; and

**WHEREAS**, the City wishes to issue a permit (“Park Business Permit”) and charge a permit fee to such businesses to eliminate any potential liability and offset some of the additional cost borne by the City as a result of the business’ use of the park; and

**WHEREAS**, the Park Business Permit shall not be required for individuals or organizations who have a City-obtained Outdoor Event Permit for the subject activity, pursuant to City Code of Ordinances Chapter 142; and

**WHEREAS**, pursuant to City Code of Ordinances, section 110-57, the Commissioner of the Department of Parks, Recreation and Cultural Affairs, as the Mayor’s designee, is authorized to issue permits for park use.

(2) Exemptions:

- (a) The Park Business Permit requirement shall not apply to events for which an Outdoor Event Permit has been issued pursuant to City Code of Ordinances Chapter 142.
- (b) The Park Business Permit requirement shall not apply to 501 (c)(3) organizations, but said organizations must pay all other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws.
- (c) The Park Business Permit requirement shall not apply to activities that are provided on recreation properties or amenities such as tennis centers, ball fields, or pools, even when those amenities are located inside of City parks. For Businesses that conduct some activities on recreation property or amenities and some outside of recreation property but in a park, the business must obtain a Park Business Permit for those activities that occur in the park.
- (d) The Park Business Permit requirement shall not apply to organizations that are mandated to perform complete or partial maintenance and/or improvement of a park and/or recreation facility for one year or greater at no cost to the City, pursuant to a written agreement with the City that is fully executed.
- (e) The Park Business Permit requirement shall not apply to businesses conducting photo or film shoots inside a City park.

- (3) Penalties: Businesses in violation of this code provision shall be subject to the penalties set forth in City Code of Ordinances section 1-8. Each class or activity conducted without a permit may be deemed a separate violation.

**Section 2.** A new account shall be created and entitled Park Business Permit Fees, and shall have the number 3229007.

**Section 3.** All revenues generated pursuant to this ordinance shall be deposited into account segment 7701 (TRUST FUND), 140201 (PRC PARKS ADMINISTRATION), 3229007 (FEES), 6210000 (PARK ADMINISTRATION), 100247 (GROUND & SITE IMPROVEMENTS CITY WIDE), 91494 (TRUST FUND 9999).

**Section 4.** All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.